

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JOHN FOLKS,)
Petitioner,)
v.) Civ.Act.No. 07-334-***
THOMAS CARROLL, Warden)
and **JOSEPH R. BIDEN, III, Attorney**)
General for the State of Delaware)
Respondents.)

**MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS**

1. The petitioner, John Folks, has applied for federal habeas relief, alleging ineffective assistance of counsel. D.I. 1. The undersigned filed an answer to the petition on October 24, 2007.

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's appeal.

3. Due to the large volume of record retrieval recently required by prosecutors in the appeals division, the undersigned has been unable to obtain the certified state court records in order to file them contemporaneously with the answer. The undersigned anticipates obtaining and copying the records on or before November 28, 2007.

4. This is respondents' first request for an extension of time to file records.

5. Respondents submit that an extension of time to November 28, 2007 in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/ James T. Wakley
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 4612

DATE: October 24, 2007

RULE 7.1.1 CERTIFICATION

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ James T. Wakley
Deputy Attorney General

Counsel for Respondents

Date: October 24, 2007

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2007 I electronically filed the attached documents with the Clerk of Court using CM/ECF. I also hereby certify that on October 24, 2007, I have mailed by United States Postal Service, the same documents to the following non-registered participant:

John Folks
SBI # 00126234
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/ James T. Wakley
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 4612
james.wakley@state.de.us

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THOMAS CARROLL , Warden)	
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General for the State of Delaware)	
)	
Respondents.)	

ORDER

This _____ day of _____, 2007,

WHEREAS, respondents having requested an extension of time in which to file certified state court records, and,

WHEREAS, it appearing to the Court that requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that certified state court records related to this matter shall be filed on or before November 28, 2007.

United States District Judge